UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,242	11/16/2005	Michael Cuylen	Q87225	1043

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 April 2005*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-10* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *22 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *11/16/2005*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This in response to the Preliminary Amendment filed on 04/22/2005.

Specification

1.   The disclosure is objected to because of the following informalities: the specification should show

the following heading:

      (a) BACKGROUND OF THE INVENTION.

      (b) BRIEF SUMMARY OF THE INVENTION.

      (c) BRIEF DESCRIPTION OF THE DRAWING.

      (c) DETAILED DESCRIPTION OF THE INVENTION.

      Appropriate correction is required.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in
public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise
extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple
assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the
conflicting claims are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated by, or would
have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226
(Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d
887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re
Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644
(CCPA 1969).

      A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to
overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided
the conflicting application or patent either is shown to be commonly owned with this application, or claims
an invention made as a result of activities undertaken within the scope of a joint research agreement.

      Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer.
A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.   Claims 1-10 are provisionally rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claim1-20 of copending Application No. 10928262. Although the

conflicting claims are not identical, they are not patentably distinct from each other because all the

claimed limitations recited in the present application are transparently found in the copending application

10928262 with obvious wording variations. Take an example of comparing claim 9 of pending application

and claim 14 of copending application 10928262:

Pending Application 10532242	Co-pending application 10928262
9. An identification system comprising: at **least one mobile data memory** that is fitted to an object; and at least one read/write device that detects at least one of object-related state data and object-related process data; wherein at least one of the read/write device and the **mobile data memor**y has at least one register area for entering data information relating to the quality of data transmission between the read/write device and the mobile data memory; and wherein the register area is configured to be read by at least one external computer user station checking the quality of data transmission between the read/write device **and the mobile data memory**.	14. An identification system comprising: a **mobile data memory for** non-contacting interchange of a sequence of data bits with a reader/writer, said data memory having a first coding device and a sequence of data bits; a reader/writer having a second coding device; the first coding device and the second coding device operable to assist in coding the sequence of data bits, at least one of said data bits having a logical on value or a logical off value, said sequence of data bits being organized in a sequence of time slot frames, at least one of the time slot frames having a plurality of time slots, each of said plurality of times slots capable of having an on value or an off value, said sequence of data bits further including: at least one time slot preloaded with an off value to form a preloaded time slot, at least one time slot with an off value always following a time slot with an on value, and each of the time slots other than the preloaded time slot loaded with on values or off values to form a logical on value or a logical off value for the at least one of said data bits, wherein the logical on value is complementary to the logical off value.

The claims of the application 10532242 encompass the same subject matter except the instant "

An identification system comprising: at least one mobile data memory that is fitted to an object;

and at least one read/write device that detects that detects at least one of object-related state data

and object-related process data" whereas the copending Application 10928262 claims are to " **An**

identification system comprising: a mobile data memory for non-contacting interchange of a

sequence of data bits with a reader/writer". Therefore, it would have been obvious to one ordinary

skill in the art at the time of the invention to implement the copending Application 10928262 **"An**

identification system comprising: a mobile data memory for non-contacting interchange of a

sequence of data bits with a reader/writer" as a **"An identification system comprising: at least one**

mobile data memory that is fitted to an object; and at least one read/write device that detects that

detects at least one of object-related state data and object-related process data " because it was

notoriously well known to utilize method and or a system for checking (monitory or evaluating) of the data

for correct transmission, checking of the read and write authorization by evaluating (calculating) a

checksum for error-free data transmission by coding and decoding the data in a contact-less identification

system.

Further, the instant claims obviously encompass the claimed invention of 10928262 application

and differ only in terminology. To the extent that the instant claims are broaden and therefore generic to

the claimed invention of 10928262 application, in re Goodman 29 USPQ 2d 2010 CAFC 1993, states that

a generic claim cannot be issued without a terminal disclaimer, if a species claim has been previously

been claimed in a co-pending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims

have not in fact been patented.

4.   Claims 1-10 are rejected on the ground of nonstatutory obviousness-type double patenting as

being unpatentable over claims 1-19 of U.S. Patent No. 7,205,931 B2. Although the conflicting claims are

not identical, they are not patentably distinct from each other because all the claimed limitations recited in

the present application are transparently found in the U.S. Patent No. 7,205,931 B2 with obvious wording

variations. Take an example of comparing claim 9 of pending application and claim 14 of copending

application 10541420:

Pending Application 10532242	U.S. Patent No. 7,205,931 B2
9. An identification system comprising: at **least one mobile data memory** that is fitted to an object; and at least one read/write device that detects at least one of object-related state data and object-related process data; wherein at least one of the read/write device and the **mobile data memory** has at least one register area for entering data	10. An identification system comprising: a read-write device; a mobile data memory operable to be attached to a transported object to record at least one of object-specific status data and object-specific process data, the read-write device further including: a transceiver and an electronic signal processor, the transceiver further including: a digital IQ modulator, a

information relating to the quality of data transmission between the read/write device and the mobile data memory; and wherein the register area is configured to be read by at least one external computer user station checking the quality of data transmission between the read/write device **and the mobile data memory**.	transceiver antenna operable to transmit a carrier signal having a carrier frequency fo increased by an offset frequency df and additionally decreased by the offset frequency df such that the two frequencies fo+df and fo-df in the carrier signal have identical phases, the transceiver antenna further operable to receive a backscattered carrier signal, and a mixer operable to form a carrier phase signal by mixing the carrier signal and the backscattered carrier signal; an electronic signal processor operable to determine the distance between the base station and the mobile object using a phase difference between the two frequencies fo+df and fo-df in the carrier phase signal.

The claims of the application 10532242 encompass the same subject matter except the instant "
**An identification system comprising: at least one mobile data memory that is fitted to an object;
and at least one read/write device that detects that detects at least one of object-related state data
and object-related process data**" whereas U.S. Patent No. 7,205,931 B2 claims are to " **An
identification system comprising: a read-write device; a mobile data memory operable to be
attached to a transported object to record at least one of object-specific status data and object-
specific process data, the read-write device further including: a transceiver and an electronic
signal processor**". Therefore, it would have been obvious to one ordinary skill in the art at the time of
the invention to implement U.S. Patent No. 7,205,931 B2 claims are to " **An identification system
comprising: a read-write device; a mobile data memory operable to be attached to a transported
object to record at least one of object-specific status data and object-specific process data, the
read-write device further including: a transceiver and an electronic signal processor**" as a "**An
identification system comprising: at least one mobile data memory that is fitted to an object; and
at least one read/write device that detects that detects at least one of object-related state data and
object-related process data**" because it was notoriously well known to provide method and or a system

for checking (monitory or evaluating) of the data for correct transmission, checking of the read and write

authorization by evaluating (calculating) a checksum for error-free data transmission by coding and

decoding the data in a contact-less identification communication system and / or using well known

methods of measuring distance of a mobile devices i.e. persons, transponders, etc.

Further, the instant claims obviously encompass the claimed invention of U.S. Patent No.

7,205,931 B2 application and differ only in terminology. To the extent that the instant claims are broaden

and therefore generic to the claimed invention of U.S. Patent No. 7,205,931 B2 application, in re

Goodman 29 USPQ 2d 2010 CAFC 1993, states that a generic claim cannot be issued without a terminal

disclaimer, if a species claim has been previously been claimed in a co-pending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims

have not in fact been patented.

Allowable Subject Matter

5.   Upon proper overcome of the objection, and filing a suitable Terminal Disclaimer and proper

overcome of the **Double Patenting rejection** as discussed above in items 1-5, Claims 1-10 would be

allowed.

The following is an examiner's statement of reasons for allowance: 1-10.

With respect to claims 1, 10, Cheesebrow (U.S. Patent 6,164,530 A) is the closest prior art to the

application invention which discloses a**n identification system (See Co. 1, Lines 4-6, Co. 3, Fig. 6-7).**

However, the prior art of record fails to disclose singly or in combination or render obvious that

With respect to claim 30, the prior art of record fails to disclose singly or in combination or render

obvious that wherein at least one of the read/write device (SLG) and the mobile data memory (MDS)

has at least one register area for entering data information relating to the quality of data transmission

between the read/write device (SLG) and the mobile data memory (MDS).

Any comments considered necessary by applicant must be submitted no later than the payment

of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such

submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Motohashi (U.S. Pub. No.: 2003/0095484 A1).

b) Rajaram (U.S. 6,918,108 B2).

Any inquiry concerning this communication or earlier communication from the examiner should be

directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on

Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor,

Trost, William can be reached @ (571) 272-7872. The fax number for the organization where this

application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free).

/Kamran Afshar 571-272-7796/

Examiner, Art Unit 2617